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Dated: April 2, 2004

Signature: 

(Anthony A. Laurentano)

Docket No.: TAW-007
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masahiro OHTA et al.

Application No.: 10/692,658

Art Unit: 2837

Filed: October 23, 2003

Examiner: Not Yet Assigned

For: ACTUATOR

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION REQUESTING GRANT OF ORIGINAL FILING DATE
PURSUANT TO 37 C.F.R. §1.53(e)

Dear Sir:

The postcard receipt date stamped by the U.S. Patent and Trademark Office for the above-referenced application erroneously lists a filing date of October 24, 2003. Applicants request that this application be granted a filing date of October 23, 2003, as the above-identified patent application was deposited with the U.S. Postal Service for delivery to the United States Patent and Trademark Office via the "Express Mail Post Office to Addressee" on October 23, 2003, not October 24, 2003.

In support of their request, Applicants attach hereto copies of the following documents as evidence that the Applicants are entitled to the requested filing date of October 23, 2003 for the above-referenced application:

04/07/2004 BABRAHA1 00000020 120080 10692658

02 FC:1460 130.00 DA

(1) a true copy of the date-stamped postcard receipt, which was erroneously date-stamped "October 24, 2003" by the U.S. Patent and Trademark Office mailroom. However, a date of October 23, 2003, the actual date of mailing of the application, is shown in the bottom right corner of the postcard.

(2) a true copy of the application filing package filed on October 23, 2003, consisting of 18 pages of specification, 7 sheets of drawings (Figures 1(a) – 10(b)), and accompanying application parts. The accompanying application parts include the Utility Patent Application Transmittal form (1 page), an Application Data Sheet (4 pages), a Claim for Priority and Submission of Documents (2 pages), Certified Copies of Priority Document (JP 2002-308083); and a Fee Transmittal (1 page). As shown, the accompanying application parts are dated October 23, 2003, and the Utility Patent Application Transmittal form, the Claim for Priority and Submission of Documents, and Fee Transmittal all bear a Rule 10 certification of Express Mailing (Express Mail Label No. EV 311 019 071 US) indicating that the application filing package was deposited with the United States Postal Service "Express Mail Post Office to Addressee on October 23, 2003 by Anthony A. Laurentano.

(3) a true copy of the Express Mail Label No. EV 311 019 071 US made prior to deposit of the application with the United States Postal Service.

(4) a true copy of the Express Mail Label No. EV 311 019 071 US, bearing the "date in" of October 23, 2003 and also bearing the official USPS 20/FORT POINT STA BOSTON MA 02205 date stamp of October 23, 2003 in the upper right-hand corner of the Express Mail label, indicating that the application package was in fact deposited with the United States Postal Service as "Express Mail Post Office to Addressee" on **October 23, 2003**.

Therefore, in accordance with 37 C.F.R. §1.53(e)(2), Applicants hereby promptly submit the aforementioned items (1), (2), (3) and (4), the application was filed on October 23, 2003.


A copy of the Filing Receipt is also submitted herewith with the correction noted thereon.

In summary, Applicant respectfully requests that the present Petition be granted and that the filing date of the enclosed patent application be October 23, 2003.

If necessary, please charge the petition fee of \$130.00 to our Deposit Account No. 12-0080. Applicants request that the petition fee be refunded if the Office finds the application was in fact received by the USPTO on October 23, 2003.

Please contact the undersigned at 617-227-7400 with any questions.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP


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Date: April 2, 2004